

## JURIES - 1939

Bristol, Va. News-Bulletin  
April 28, 1939

### All-Negro Juries

There is no law in Chattanooga or Hamilton county which prohibits Negroes from serving on juries, but it has long been the practice, in the words of City Judge Martin A. Fleming, to "skillfully avoid" selecting Negroes for jury service. Judge Fleming stated Wednesday that he does not favor mixed juries, but that he thinks a special panel of Negroes should be set up to provide all-Negro juries for the trial of cases involving members of the Negro race. That suggestion has been made several times in the past, but nothing has come of it.

The idea is a good one. Many students of criminal procedure agree with Judge Fleming that white juries are too "lax" when they consider cases involving the slaying of one Negro by another. So far as Judge Fleming recalls—and the figure is a startling one—at least 1,000 Negroes have been slain by other Negroes in this city, without an imposition of the death penalty.

It is indubitably true that many leading Negroes and others among that race are interested in reducing the homicide rate. Indeed, leaders among the Negroes are striving in many ways to improve conditions generally.

The selection of all-Negro juries ought to be an experiment that would soon prove its worth as an integral part of the effort made in Chattanooga to provide good government. Law enforcement is the one activity in which Negroes are at a great disadvantage. In education, in church work, in recreation Negroes are encouraged and aided in many ways. The progress they have made justifies the belief that juries on which they sat would deal justly with the members of their race brought before them.

Such a departure would correctly be accepted by the Negroes as a challenge to their sense of fair play and as an opportunity to prove that they are capable of discharging faithfully the responsibilities of citizenship. To every objection that might be mentioned, there is one answer: Any change from present conditions would have to be for the better.—Chattanooga Times.

Andrews, N. C. Journal  
April 11, 1939

### Fain Objects To Negroes On Jury

Not only was Charles Fain the first person to ever be sentenced to death by a Cherokee county jury, but his trial in Superior court here marked the first time a Negro was ever chosen on a Cherokee county jury.

Four were named on the jury at this term by Sheriff Carl Townson in order to insure the Negro of a fair trial.

Despite this fact, Fain himself objected to three of the Negroes appearing on the jury. The fourth could not serve because he disapproved of capital punishment.

The four Negroes chosen on the jury were among the oldest and most respected colored citizens of the county. They were: Andy Wiley, who has been a preacher for 40 years, and Carl Powell, both of Murphy, and Will Hyatt and Bud Patton, both of Andrews.

New Orleans, La. Times-Picayune  
May 6, 1939

### NEGRO EXCLUSION FROM JURY LISTS DENIED IN COURT

Commissioners Say Every Effort Is Made to Obtain Service

Two Orleans parish jury commissioners in criminal district court Friday denied that the names of Negroes were being systematically excluded from the grand and petit jury venires and insisted that "everything possible" was being done to get a sufficient number of Negroes for possible jury service.

Testifying as witnesses before Judge William J. O'Hara in criminal district court on a motion to quash a murder indictment brought against Edward Palmer, 49-year-old Negro, for the slaying of his estranged wife and his sister-in-law on March 1, Commissioners William P. Dillon and Dr. Frank Oser declared they were able to qualify only about 3 per cent of the Negroes summoned to the office for possible

jury service. The commissioners said at the present time approximately 40 names of Negroes are in the jury wheel.

#### Hearing Continued

After Commissioners Dillon and Oser testified, Judge O'Hara continued the hearing until next Friday, when Richard A. Dowling, attorney for Palmer, will offer evidence in support of his contention that the present grand jury, which indicted Palmer, is illegally constituted because the names of Negroes were excluded from the venire.

"Since the Scottsboro decision a few years ago we have been doing everything possible to comply with the ruling of the United States supreme court," Commissioner Dillon asserted. "There are only about 20,000 male Negroes of the adult age who have the necessary education to be eligible for jury service. We have considerable trouble in getting names and addresses of Negroes who might be eligible for service. We take names from the city directory, telephone directory and from the registration rolls.

#### Many Excused

"We are compelled to excuse many of those summoned because they are laborers and would lose time while serving on the jury and those working on commission basis. After excusing those for various reasons we have only a small number to qualify for jury service."

Commissioners Dillon and Oser stated that they were having the same trouble in qualifying a sufficient number of white jurors for service in the five sections of the court and pointed out that they recently appealed to the judges to punish, for contempt, persons evading jury service.

Last week Judge O'Hara and District Attorney Charles A. Byrne suggested to the jury commissioners that they call upon a large number of Negroes to qualify for jury service and that they include the names of Negroes on the venire for possible grand and petit jury service.

Recently the United States supreme court granted a new trial to Hugh Pierre, who had been sentenced to death for the killing of a white man in St. John the Baptist parish. The new trial was granted because of the alleged systematic exclusion of Negroes from the venire from which a grand jury is drawn.

Jackson, Miss. News  
May 4, 1939

### NEGRO SERVES ON U. S. COURT JURY IN TRIAL

For the first time in recent federal court annals here, a Negro is serving on a trial jury.

James W. Wilson, a Jackson Negro, is a jurymen hearing the trial of a fellow member of his race, Arrington Hyde, of Canton, who is charged with forgery.

A member of the U. S. marshal's staff on duty here for some time, said that the present instance was the first time that he has known of a Negro seeing jury service in court here.

Arrington is charged with forging an endorsement to a U. S. government check, written for \$308.07. Trial was begun Wednesday morning and occupied most of the day.

In a verdict returned Tuesday night, a federal jury found Lucius Reed and Henry C. Wallace "not guilty" on charges of operating a distillery. Ethel H. Thames was found guilty on one of three counts charging possession of tax unpaid whiskey by a jury, but sentence was deferred.

The federal grand jury has made no returns since a report was made late Tuesday listing 25 "true bills."

In narcotic hearings Wednesday, three persons were sentenced on guilty pleas. Dr. A. J. Banks, Jackson, drew a two-year sentence and \$250 fine on each of six counts, and the sentences were in turn suspended. On another narcotics possession charge Tilson Stringer, Raleigh, pleaded guilty, but sentence was deferred until Friday.

Ira M. Fitzgerald, Jackson, drew a five-year sentence and \$1,000 fines on each of three narcotic counts, and the sentences were suspended. His wife, Vivian Fitzgerald, was sentenced to penitentiary imprisonment for two years with a \$1,000 fine on one count, two years with a \$500 fine on a second charge, and one year and a day with \$500 fine on a third count.

Chattanooga, Tenn., Daily Times  
April 21, 1939

### NEGRO JURY PLAN IS APPROVED HERE

Many Colored Leaders Like Fleming's Suggestion, but Others Urge Caution

Chattanooga Negroes in the main expressed approval yesterday of City Judge Martin A. Fleming's suggestion that all-Negro juries be used to try Negroes charged with killing others of their race. Judge Fleming said in city court Wednesday that this plan would reduce the Negro homicide rate here.

Some of those questioned yesterday were strongly in favor of the plan, notably J. B. Bobo, president of the Monarch club, a civic and charity organization composed of Wiley Dixon, Dr. L. L. Patton, Walter Kendricks, D. C. ("Dock") Harper, the Rev. N. D. Shamborguer, Walter Kendricks and other West and East Side leaders.

Bobo stated that "the proposal for Negro jurors will do much toward helping cut down the murder rate that is giving a black eye to our city the country over. We believe trial of such slayers by our own race will serve to secure more convictions and place fear into the hearts of would-be killers who now go free or receive light sentences subject to early parole."

#### "Forward Steps," Says Parks

The same idea was expressed by Walter D. Parks, president of the Young Negro Civic league, who also declared the proposal "the most forward step that could be made at this time."

A note of caution was contained in the expression of Prof. T. R. Gaston, teacher of history of Howard High school and coach at the institution.

Gaston said, "The judge's proposal is a good one, provided Negro jurors are chosen from the intelligentsia." "Otherwise," Gaston continued, "there will be the same results as today minus only the fact that the white man sometimes feels that there is 'just another Negro killed.' He also said that an "intelligentsia" Negro jury would be "mighty hard to pick because most such Negroes are working and know how to be excused or disqualified as our white citizens of the corresponding strata."

"The paneling of Negro jurors to try Negro murderers would be a fine



gesture and might do some good in the city's present emergency, but would have little effect in the days to come," declared Prof. C. A. King, president of the Colored Teachers' association and principal of Chattanooga Avenue Elementary school.

"Twelve of the twenty murders of Negro by Negro this year occurred in the South Chattanooga section. Our school is the 'feeder' for this section and several of those victims and slayers have passed through or attended our school.

"Bad housing facilities and insecure incomes are the causes that lead to the effect we are now having, and Negroes on the jury to try them will not alleviate the condition five, eight or ten years hence," he stated.

King said the hovels from which this "new crop" comes are "shocking," and charged that "as long as real estate operators in our section refuse to rent houses to these low-income people with their children, and their wages are insufficient to provide for them decently there will be an ever increasing crop of Negro criminals and those of criminal tendencies from our section. Negroes on the jury now will not stop this incubation, and Negro teachers are powerless."

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Chattanooga, Tenn., Daily Times  
June 13, 1939

### Chamlee Renews Charge

The attack on the method of drawing juries to pass on Hamilton county criminal cases and the charge that Negroes are intentionally excluded from jury service by the county jury commission was renewed in criminal court yesterday by George W. Chamlee.

Chamlee, who participated in the defense of the Negroes involved in the world-famous Scottsboro cases, filed pleas in abatement to indictments returned against Charles E. Preston, charged with criminal assault, and Geneva Lewis, charged with murder. Chamlee charged that they were illegally indicted because Negroes were excluded from jury service. The Hamilton county jury commission, Chamlee's pleas stated, "arbitrarily and systematically excluded the names of all persons of the Negro race from the jury box and jury rolls for Hamilton county solely because they are Negroes."

Elberton, Ga., Star  
June 6, 1939

### Elbert Colored Men Serve on U. S. Court

Among the jurors serving on the United States district court jury at Athens this week, is Paul Blackwell, principal of the colored schools of Elberton, and a negro of good reputation and character.

Other Elbert countians serving on the jury include Ben Brown, Vail Deadwyler, Albert Rucker, W. A. Jones, W. A. Charping and Luther Herring.

Those attending as witnesses Monday were Commissioner Burch Seymour, Sheriff John Satrke, Clerk of Court W. A. Rucker, Clarence Oglesby and Harry Bell.

The impression prevailed at first that Paul Blackwell was the first colored man to serve at this court from Elbert county, but investigation developed the fact that Joke Thornton, Dr. Jones, Sam Phelps and other colored jurors from Elbert had previously served.

Memphis, Tenn., Commercial Appeal  
June 11, 1939

Reversing the conviction of Rome Bone, 24, and his brother Moses, on charges of murdering Mrs. John Deaver near North Little Rock, the Supreme Court ruled that members of the negro race must not be "systematically excluded" from regular petit jury panels. Its decision was based on Circuit Judge Fulk's refusal to quash the petit jury panel from which the trial jury was selected.

"We are attempting to make clear," the court ruled, "and emphasize that the test lies not in the fact that there was no juror of the negro race upon the trial jury, but the vice is in an omission by administrative officers—jury commissioners, for instance—in the systematic exclusion of negroes from the regular jury panel."

"The removal of three from an improper venire upon which 21 improperly were left certainly did not cure the error to meet the requirements of the substantive law of the land. (Fourteenth Amendment). There was error in the failure to quash the entire venire of the petit jury."

The Supreme Court said that it had been charged, and not denied, that "in the formation of juries, negro electors had been systematically excluded for a period of 40 years in the Circuit Court of Pulaski County."

# WANTS TO KNOW WHY NEGROES ARE NOT

## ON JURY

Unprecedented Move Made  
by Connecticut Superior  
Court Justice.

By ROBERT EDWARDS  
(Special To The Courier)

BRIDGEPORT, Conn., June 22—In an unprecedented move Monday afternoon, Superior Court Judge Frank P. McEvoy, presiding justice of Fairfield County Superior Court, issued subpoenas for the selection of nine cities and towns in the county to appear before him this week.

Judge McEvoy will question the 27 officials and seek to find out why no Negroes were included in the list of prospective jurors impaneled to try Henry Gray, 43, of Stamford, Conn., on a charge of first-degree murder.

Gray is charged with shooting to death his 26-year-old sweetheart, Dorothy Haywood, in a tavern brawl.

This is the first time in history that a judge of the Superior Court has taken an action of this sort. Judge McEvoy issued the subpoenas when counsel for Gray asked Judge McEvoy if, on his constitutional rights, Gray wasn't entitled to have Negroes on the jurors' panel.

Gray is being defended by Atty Samuel Friedman, one of Connecticut's leading criminal lawyers, and by Public Defender Johnson Stoddard.

### Negroes' Right To Serve On Juries Is Won

BRIDGEPORT, Conn., July 6. (CNA) — The right of Negroes to serve on juries in Connecticut was recognized for the first time in the state's history this week, when Superior Judge Frank P. McEvoy summoned three Negro citizens as prospective jurors in the first-degree murder trial of Henry Gray, 43, of Stamford. Gray is accused of shooting to death his 26-year-old sweetheart, Dorothy Haywood, in a tavern brawl.

Judge McEvoy's ruling came after he had dismissed a motion to squash the indictment submitted by Public Defender Johnson Stoddard, who challenged the entire jury panel because it did not include Negroes. The three summoned were excused after questioning.

## LOUISIANA PLACES COLORED CITIZENS ON ITS GRAND JURY

Carl T. Weathers, Postal  
Employee, to hear Charges  
Against LSU President

BATON ROUGE, La., July (By Leon Lewis for ANP) Apparently taking precaution against use of the Scottsboro decision to balk the half million dollar embezzlement charges facing Dr. James Monroe Smith, ex-president of Louisiana State university, Carl T. Weathers, local postal employee, was named to serve on the East Baton Rouge Parish grand jury which is probing the tangled financial affairs of the white institution.

Selection of Weathers marked the second time this year that he has served as a juror. On Monday, April 3, Weathers was the first Negro so recognized in East Baton Rouge parish in 40 years. His first service was made possible through a supreme court decision ordering a new trial for Hugh Pierre, convicted slayer of a white man, because it "was a policy of the state of Louisiana to exclude Negroes from jury service."

Charges against Dr. Smith grew out of misappropriation of university funds and bonds, used to finance his stock and grain market plunges. The expose came in an executive political expose made by the Times-Picayune, New Orleans daily, that caused a shakeup in Louisiana politics. Governor Richard Leche, claiming ill health, quit as chief executive of the state, Earl Long, brother of Huey Long and lieutenant governor, succeeded Leche, and a federal probe is being made into alleged misappropriation of state PWA funds.



## Grand Jury Like Petit Jury

The latest conviction nullified by the supreme court was that of a Negro in Louisiana indicted by an all-white grand jury. The court said the accused was entitled to have members of his own race among those from whom this jury was selected. It is the logical extension of the Scottsboro decision.

Negroes are not the only one who are slow-witted. The various states should know full well by this time that the guiltiest Negro can escape the penalty of the law so long as they refuse to follow the plain letter of the supreme court's interpretation of the constitution. Negroes are to be called to jury service. Their continued absence is prima facie evidence that their names were not included in the jury wheel.

What is true of the petit jury holds also for the grand jury. Judges have discretion in the selection of grand jury men, but not selection to the point where they never find a Negro worthy to perform this function of a citizen. The colleges north, east and west that have attested Negro learning by granting awards, the property held by men and women of the race, and the honors won in general elections are absolute proof that Negroes could be trusted with grand jury duty, with no lowering of the present standards.

The truth is the color line is getting such a smashing attack from Negro merit and white tolerance that the authorities if they would play safe, had better disregard it than observe it. That is what they do in time of stress.

Since only Negroes are barred from grand juries in some districts all other indictments will stand. But why use the people's money in fruitless trials where simple obedience to the law is so easy? Race prejudice runs up a big bill on the American people.

# First Negro Member In Forty Years

BATON ROUGE, La. — Rev. Carl T. Wethers, prominent minister and mail carrier, was selected Monday to serve on the East Baton Rouge grand jury. This is the first time in 40 years that a Negro member has been chosen. Rev. Wethers was chosen along with 11 white men.

Rev. Wethers is pastor of one of the leading churches here, and has been in the mail service for a number of years. He has been a leader in many civic movements in the city. During the 25th anniversary celebration of the founding of Southern University, he was one of the principal speakers, representing the citizenry of the Baton Rouge community.

The first case brought before the new grand jury was an indictment against Ira Henderson, Negro, who

was charged with murder.

Arguments were heard Monday in district court on the plea for a new trial of Willie White, a Negro, who was convicted of murder. It is alleged that his indictment was illegal since Negroes had been barred from serving on the grand jury. The appeal was based on a recent decision of the United States Supreme Court.

On February 27, the United States Supreme Court granted a new trial for Hugh Pierre of Lucy, La., who had been convicted in district court in New Orleans of murdering a white man. Defense for Pierre claimed that the procedure was unconstitutional because there were no Negroes on the grand jury that indicted him.

New Orleans, La. Times-Picayune  
April 30, 1939

## NAMES OF MORE NEGROES SOUGHT FOR JURY WHEEL

William P. Dillon, chairman of the Orleans parish jury commissioners, was requested Saturday by District Attorney Charles A. Byrne and Judge William J. O'Hara of the criminal district court to place the names of additional negroes in the jury wheel for possible future service on grand and petit juries.

The action was taken by Judge O'Hara and District Attorney Byrne following the recent decision of the United States supreme court in the case of Hugh Pierre, who was granted a new trial after he had been sentenced to death in St. John the Baptist parish for the slaying of a white man. The death sentence was set aside because of the alleged systematic exclusion of negroes from the venire from which a grand jury is drawn.

"I believe that the Pierre case went a little bit further than the Scottsboro case," Judge O'Hara

asserted in a letter to Attorney-General David Ellison and District Attorney Byrne. "It is my personal opinion since reading the later case, that the jury commissioners for the parish of Orleans should set aside at least two days a month on which days they would summon to their office prospective jurors, nothing but negroes.

"I make this suggestion because if the jury commissioners would summon a number of negroes and white men to appear on the same day, and compel the white men to line up with negroes, it would add seriously to what is already a very difficult situation in Orleans parish.

"It seems to me from reading this decision that the jury commissioners should call upon a large number of negroes. In Orleans parish we have a few negroes in the jury wheel. But I don't think there are enough to satisfy the supreme court of the United States."

Richmond, Va. Times-Dispatch  
April 24, 1939

## All-Negro Juries The Chattanooga Times

THERE is no law in Chattanooga or Hamilton County which prohibits Negroes from serving on juries, but it has long been the practice, in the words of City Judge Martin A. Fleming, to "skillfully avoid" selecting Negroes for jury service. Judge Fleming stated Wednesday that he does not favor mixed juries, but that he thinks a special panel of Negroes should be set up to provide all-Negro juries for the trial of cases involving members of the Negro race. That suggestion has been made several times in the past, but nothing has come of it.

The idea is a good one. Many students of criminal procedure agree with Judge Fleming that white juries are too "lax" when they consider cases involving the slaying of one Negro by another. So far as Judge Fleming recalls—and the figure is a startling one—at least 1,000 Negroes have been slain by other Negroes in this city, without an imposition of the death penalty. It is indubitably true that many leading Negroes and others among that race are interested in reducing the homicide rate. Indeed, leaders among the Negroes are striving in many ways to improve conditions generally.

Such a departure would correctly be accepted by the Negroes as a challenge to their sense of fair play and as an opportunity to prove that they are capable of discharging faithfully the responsibilities of citizenship. To every objection that might be mentioned, there is one answer: Any change from present conditions would have to be for the better.

The selection of all-Negro juries ought to be an experiment that would soon prove its worth as an integral part of the effort made in Chattanooga to provide good government. Law enforcement is the one activity in which Negroes are at a great disadvantage. In education, in church work, in recreation Negroes are encouraged and aided in many ways. The progress they have made justifies the belief that juries on which they sat would deal justly with the members of their race brought before them.



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## NEGRO JURORS TO SERVE FOR FIRST TIME IN CONN. COURTS

BRIDGEPORT, Conn., Apr. 27. — For the first time in the history of Fairfield county, long known as one of the most prejudiced spots in New England, Negroes are about to be called for jury service.

Fred D. Chazakopf, a member of the jury service committee, announced "it is only fair that a Negro defendant who is being tried by a jury have a representative of his own race on the jury. He has a constitutional right to that."

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## SUPREME COURT TO HEAR NEGRO JURORS ARGUMENT

Times Bureau  
Sir Walter Hotel

By HENRY AVERILL

Raleigh, April 26.—The Supreme Court calendar will be featured next week on the criminal side by efforts of a convicted negro to escape the gas chamber because, he contends, members of his race were systematically excluded from New Hanover county juries. On the civil side, chief interest will center on arguments for and against the constitutionality of North Carolina's "Fair Trade Act" of 1937, an act which Superior Court Judge Henry L. Stevens consigned to the trash can in a lower court decision.

James Henderson, Wilmington negro, was convicted for the slaying of Mrs. Stella Hobbs on November 6, 1938. A week later he was arraigned and tried, sentenced to die. His attorneys, Alan A. Marshall and "Bill" Jones, court appointed, base their appeal on the contention that negroes have been systematically excluded from New Hanover juries. They offered Clerk Tom (Woody) of the board of county commissioners who testified that in his 15 years experience names of negroes were put into the jury box only once. Counsel cite the fact that no negroes whatsoever were drawn on the venire examined to serve at Henderson's trial.

They also contend that they were forced to go to trial 24 hours after being appointed by the court—a period they claim much too short to permit adequate preparation of their client's defense.

The killing of Mrs. Hobbs was a sensational one which attracted much attention. Her body was found near her wrecked automobile near Greenfield Lake, just outside Wilmington, early on a Sunday morning. Henderson is alleged to have confessed.

Of much greater statewide importance is the appeal of Eli Lilly and Company, a manufacturer of pharmaceutical and biological commodities, from the Stevens decision voiding the "Fair Trade" act as unconstitutional.

The act attempts to prohibit retailers who purchase "trade marked" products from selling them at less than prices stipulated in the contracts with other retail dealers. Judge Stevens held that

it is "clearly unconstitutional" and that it tends to foster monopoly and monopolistic practices.

The case comes before the court on the Lilly company's suit for an injunction prohibiting sales at lower prices by L. S. Saunders, who as Saunders Drug Stores conducts retail businesses in several eastern North Carolina cities, including Wilmington and Fayetteville.

The Lilly company brief contends vigorously that the statute does not intend to establish monopoly, but on the other hand, by preventing price cutting has the opposite effect. Throughout the long 36 page document counsel contend that the act even if "in restraint of trade" is only in "reasonable restraint" therefor and therefore valid.

"It is interesting to note that the Fair Trade act does not in any way undertake to compel any merchant to sell any article at any price," contends the brief.

The Henderson case is the only capital case on the calendar for next week. Another criminal case raise the question whether possession of seven and a half pints of liquor in a combination store-dwelling makes a prima facie case of possession for purpose of sale. Also before the court will be the appeal of Jimmy Hobbs, striking Wilmington oil truck driver, from an Anson county conviction of assault with a deadly weapon on a strike-breaking driver.

There are 23 civil cases on the calendar, which is made up of appeals from the Eighth and Thirteenth districts. Appeals from the eight, only, will be called next Tuesday.



SERVING on a criminal jury this week and dealing almost solely with negroes indicted for stabbing and beating each other up and stealing from each other, we have almost become convinced that cases of this sort involving negroes as both the defendants and the victims, should be tried by negro juries.

White jurors, we believe, are entirely too lenient with negroes indicted for offenses against members of their own race. And we plead

**Four Race Men**  
*Atlanta World*  
**Serving As Federal**  
*Atlanta Ga.*  
**Grand Jurors**  
*1-24-39*

Four colored Atlantans are among grand jurors serving in the second session of the U. S. Federal court under Federal Judge Marvin E. Underwood, it was revealed Monday. They have been serving since the term began October, 1938, and will continue until April 1. They include:

T. W. White, secretary of the Trustee Board of Big Bethel AME church; Roger Henderson, chairman of the Deacon Board of Liberty Baptist church; the Rev. G. W. Jordan, pastor of Little Mt. Olive Baptist church, and Walter Harris, contractor, of a Howell Street address.

guilty to being no better and probably a little worse than other jurors in this respect.

Jurors are prone to minimize the crimes of negroes against each other. They seem to take it for granted that stabbing on Saturday nights that do not result in fatalities should be condoned on the idea of "habits" with negroes of the lower caste to do such things.

We believe negro jurors, interested not only in upholding the law but also in the upbuilding of their own race, would deal out sterner justice in an effort to break up what Solicitor Seibels has been trying to break up for years. They would be able to get at the truth better than white jurors. We confess that we had a hard time making up our mind or the cases before the jury as to the truth. And other jurors said they too, hardly knew what to believe. And for that reason negroes who assault other negroes with weapons were not given, probably, what they deserve and what a jury composed of good negro citizens would have given them.

Serving on juries is not a pleasant task but the job is certainly made easier when such men as Judge Eugene Carter, Solicitor Temple Seibels, Bailiff Sim Butler and Clerk John Matthews are running the temple of justice and keeping the furniture and everything else in order.

### MOONSHINE-ASYLUM TWICE

Judge Eugene Carter in Circuit Court Wednesday morning had before him a negro, Boiesey Matthews, charged with moonshining or something like that. It seems that the negro was caught out near Lagoon Park operating a big, 800-gallon still in smelling distance of Kilby Prison.

As the negro was arraigned, it was brought to Judge Carter's attention that Boiesey had been in the asylum twice.

"Guess he's been drinking his own liquor," commented Judge Carter. "If it has driven him to the asylum twice what will it do to others who are not used to it?"

And then Agent Myrick, of the Federal Alcohol Unit, told the columnist that the business of moonshining has been picking up recently and that the other day he caught a moonshiner using two automobile radiators to condense the steam from his boiling mash, old radiators full of rust and possibly vermin and everything else.

Why anybody would buy moonshine liquor with good liquor so cheap is a mystery to everybody around the courthouse but somebody is buying it.

Norfolk, Va. Pilot  
May 31, 1939

## Negro to Serve On Grand Jury

Chatham, May 30.—(P)—A seven-man grand jury, including a Negro, was summoned by Judge Turner Clement today to convene in Circuit Court tomorrow for consideration of the case of Sam Swanson, Pittsylvania Negro, charged with slaying Constable William N. Coward near Gallands Sunday.

Commonwealth's Attorney Joseph Whitehead said the summoning of a Negro grand juror might avoid any basis for a defense application for a writ of error in the event of Swanson's indictment and conviction.

Sheriff A. H. Overbey could not recall, he said, a Negro having ever been called for grand jury service in the county heretofore.

## Virginia Will Decide Negro-on-Jury Issue

DANVILLE, Va.—(ANP)—The question of whether tax-paying colored citizens can serve on petit juries of this state was brought to an issue here on Wednesday, when a petition, filed by counsel for Bennie Elam, colored defendant, that the names of Negroes be included in jury panels.

Judge H. C. Leigh in Corporation court, overruled the motion said he felt the case was one which should be determined by the State Supreme court. Before reaching that tribunal, however, it will come up for hearing before the State Supreme court of Appeals. Defendant Elam was on trial for simple assault on a woman.

In the petition Elam's three lawyers charged that the jury commissions had violated their oath of office and the U. S. Constitution by excluding duly qualified "Negroes of African descent" from jury service. Counsel said the Negroes had been excluded solely on account of race and color, and denied due process of law.

Three court officials testified that in their recollection no Negro had ever served on a Danville jury. Four colored witnesses were also examined, one, J. R. Wilson, telling the court he had done jury service here from 1881 to 1888.



# Former Scottsboro Lawyer Hits Negro Jury Ban

CHATTANOOGA, July 7—ANP—Attorney G. W. Chamlee, noted criminal lawyer and one-time defense counsel for the nine Scottsboro boys this week was warmly commended for his action in filing pleas of abatement in two cases pending before criminal court, Chamlee alleging the indictments are void because Negroes are systematically excluded from grand jury service in this county.

The two indictments are against Geneva Lewis, charged with murder, and Charles E. Preston, charged with rape. Both cases were scheduled to come up for trial in criminal court this week before Judge Charles W. Lusk, who took the Chamlee abatement pleas under advisement.

Later Assistant Attorney-General Frank Darwin filed a motion to strike the pleas in abatement and a demurrer to the two pleas. Both lawyers then agreed to submit briefs to cite authorities on the question at bar.

During discussion of the ban on colored jurors, Judge Lusk said: "This court can certainly say that Negroes have not been systematically excluded from jury duty."

Attorney Chamlee, placing the blame for such action, replied: "We are not accusing the court of excluding Negroes from jury duty. The names of Negroes are just not put in the jury box."

Both Judge Lusk and Atty.-Gen. Darwin said that on several occasions names of Negroes had been drawn from the jury box, and that several Negroes had asked to be excused from jury duty.

Indicating a willingness to iron out the matter, the court stated: "You all know the practical difficulties in having mixed juries, but we must resolve these difficulties in some way. About one-fifth of our population is colored, according to the last census. There are more than 300,000 colored people in this county and many of them are high class citizens and capable of sitting on juries."

"I have looked into this question of having all-colored juries. Certainly there could be no objection to having all-colored juries to try colored prisoners. The only thing that stands in the way of this law that require the jurors to be selected from each district of the county in proportion to the population. There are some sections of the county where there are no colored persons at all."

Chattanooga citizens are following the case with interest, as Judge Lusk's decision on the pleas in abatement strike at the very core of the matter and will set a precedent in cases where indictments are voted against Negro prisoners by all-white grand juries.

## HITS EXCLUSION FROM JURY IN DIXIE STATE

Orders New Trial for Twelve in Case

LITTLE ROCK, June 25 (AP)—Last Monday as result of a notable, far-reaching decision handed down by the Arkansas Supreme court, Negroes, in the future, will be included in future jury panels of First Division Court for the first time since Reconstruction Days.

Central figures in the case at bar were two Pulaski county pickers, Rome Bone and his younger brother, Mose Bone, whose convictions were reversed and the cases remanded for new trials, because Negroes had been excluded from the jury panel. In lower court, Rome had been given the death sentence and Mose a 21-year term in prison for the slaying last September 8, of Mrs. John A. Deaver, wife of a plantation manager.

The brothers were charged with fatally wounding Mrs. Deaver during a fight with her husband over wages in a cotton

field near Rose City. During the trial before Judge Gus Fulk in Circuit court, Attorney Scipio Jones, representing the defendants, entered a motion to quash the petit jury panel from which the trial jury was drawn—because no Negroes were on the panel. Judge Fulk overruled the motion, but before the trial got under way, three of the 24 original veniremen were excused and replaced by Negroes, none of whom, however, was chosen for actual service.

### In First Such Stand

Monday, the Supreme Court in a unanimous decision written by Associate Justice Basil Baker, ruled that Judge Fulk erred in overruling Bones' attorneys' motion to quash the petit jury panel. Said the decision:

"We are attempting to make clear and emphasize that the test lies not in the fact that there was no juror of the Negro race upon the trial jury, but the vice is in an omission by administrative officers—jury commissioners for instance—in the systematic exclusion of Negroes from the regular jury panel."

"The removal of three from an improper venire upon which 21 improperly were left, certainly did not cure the error or meet the requirements of the substantive law of the land (14th amendment to the U. S. Constitution). There was error in the failure to quash the entire venire of the petit jury."

Another member of the State Court said the decision was the first in which the tribunal had taken such a positive stand on the matter of exclusion of Negroes from jury service in cases involving Negro defendants. Atty. Scipio Jones commented as follows:

"Under the mandate, Negroes are automatically placed for service on both Grand and Petit Juries of all the counties of Arkansas. Each juror will receive per diem of \$3.00 for the entire terms of the Circuit Courts of this State, which will amount to something like \$30,000 annually that Negroes will receive for their services as Petit Jurors, while at present, they are not receiving one dime."

Chatham, Va., Tribune Enterprise  
June 2, 1939

## NEGROES' NAMES TO BE INCLUDED ON THE ELIGIBLE JURY LIST IN PITTSYLVANIA CO.

Judge Turner Clement ordered the County Jury Commission to meet here Saturday for the purpose of selecting a number of Negroes who are eligible for jury duty in Pittsylvania.

Judge Clement explained the reason was that Negroes may be included on the list from which the jury is to be drawn for the hearing the case of Sam Swanson, Negro, who is charged with the murder of Will Coward, county officer.

Whether a Negro will serve on the jury that will decide the Coward murder case will depend on whether a Negro's name is drawn from the jury list.

Judge Clement is evidently taking this step to prevent a recurrence of the famous Scottsboro case, in which Negroes were sentenced by a jury on which no colored person was allowed. The case was appealed and granted a new trial on the grounds that no Negroes were on the jury list and the case stayed in the courts for many years.

Chattanooga, Tenn., Daily Times  
June 25, 1939

## LUSK CONSIDERING NEGRO JURY PLEAS

Chamlee Argues Indictments Against 2 Negroes Voided by Negro Jury Ban

Judge Charles W. Lusk yesterday took under advisement two pleas in abatement filed by Attorney G. W. Chamlee in two cases pending before the criminal court in which Chamlee alleges the indictments are void because Negroes have been systematically excluded from service on the grand jury in this county.

Judge Lusk said he had looked into the proposal to empanel all-Negro

juries to try Negro prisoners, but asserted that this could not be done because of a provision in the law which requires that jurors must be selected from the various districts of the county in proportion to population. There are some sections in the county, he said, where there are no Negroes.

The two indictments are against Geneva Lewis, colored, charged with murder, and Charles E. Preston, charged with rape. The two cases are scheduled to come before the court this week for trial.

Assistant Attorney-General Frank Darwin filed a motion to strike the pleas in abatement and a demurrer to the two pleas yesterday. Chamlee said yesterday that he was not prepared to argue the two cases, but the papers were handed over to Judge Lusk and attorneys agreed to submit briefs and cite authorities.

### Darwin Denies Bar

Chamlee claimed that Negroes have been systematically excluded from jury duty in this county for many years. Darwin denied this and charged in his motion to strike that, in any event, the pleas were filed too late, since the warrants were in the hands of the criminal court clerk's office some time before the indictments were returned. "This court can certainly say that Negroes have not been systematically excluded from jury duty," commented Judge Lusk.

"We are not accusing the court of excluding Negroes from jury duty," said Chamlee. "The names of Negroes are just not put in the jury box."

Both Judge Lusk and Darwin said that on several occasions the names of Negroes had been drawn from the jury box and that several Negroes had asked to be excused from jury duty.

"You all know the practical difficulties in having mixed juries," said Judge Lusk, "but we must resolve these difficulties in some way."

"About one-fifth of our population is colored, according to the last census," Judge Lusk added. "There are more than 30,000 colored people in this county and many of them are high-class citizens and capable of sitting on juries."

"I have looked into this question of having all-colored juries. Certainly there could be no objection to having all-colored juries to try colored prisoners. The only thing that stands in the way of this is the law that requires the jurors to be selected from each district of the county in proportion to the population. There are some sections of the county where there are no colored persons at all."



## Negroes Win Right to Serve On Conn. Juries

BRIDGEPORT, Conn., June 21.—The right of Negroes to serve on juries in Connecticut was recognized for the first time in the state's history today, when Superior Court Judge Frank P. McEvoy summoned three Negroes as prospective jurors in the first degree murder trial of Henry Gray, 36, Stamford, Negro, accused of killing a Negro woman.

Judge McEvoy's ruling came after he had dismissed a motion to quash the indictment submitted by Public Defender Johnson Stoddard who challenged the state jury panel because it did not include Negroes. The three summoned were excused after questioning.

## No Negroes on Jury; Calif. "White Slave" Case Halted

LOS ANGELES.—(ANP)—At last a test case on the new "Negroes on jury law" has developed in California.

Because no Negroes were on the federal grand jury which indicted self-styled "K. K. K." Tashara—whose real name government officers say is plain Bill Jackson, John J. Irwin, defense attorney last Friday asked dismissal of Mann act charges against Tashara.

Tashara, head of an alleged Egyptian cult, was accused of transporting three colored women here from Philadelphia.

## Down In Louisiana

Little by little, the Negro race is making progress. Conditions are changing ways from being what this generation wants, or even what should be under a democratic form of government. But whenever and wherever there are unusual recognitions accorded our group as citizens and taxpayers, we feel that something should be said about it. We are quick to rap and denounce the white people when they deprive us of our citizenship rights and it is no more than right that we should praise them when they meet us half way. Just the other day, a member of our race served as a member of the grand jury that indicted the president of Louisiana State University, who is charged with misusing a large sum of money belonging to the school. This was unusual for several reasons. Louisiana is a southern state, where Jim Crowism is a part of its very existence, Negroes are not even allowed to attend the state university and the president is a white man. Further it might be said that the white people of Louisiana showed that they believe that Negroes are intelligent enough to act on issues involving the welfare of the taxpayers and to prosecute individuals when the laws have been violated.

We cannot help but feel that this is a mark of progress that points to the realization of equal citizenship rights and that some day Jim Crowism, even in Louisiana will be dealt a knockout blow.

Charlotte, N. C. Observer  
July 27, 1939

Greensboro, N. C. News  
November 8, 1939

## NEGRO TO SERVE ON GRAND JURY

A. A. Wellman Becomes First Colored Man to Serve On Gaston County Body.

GASTONIA, July 26.—Gastonia county's grand jury today had a negro member for the first time in history.

A. A. Wellman, Gastonia negro, became the first of his race to do grand jury duty in this county when he was sworn in yesterday for grand jury service for the next six months.

Negroes have been summoned for jury service here before, but have always been excused.

Foreman of the grand jury is P. A. Summey of Dallas.

## QUESTION OF NEGRO ON JURY IS RAISED

Issue to Be Presented In Danville Court.

(Special to Daily News)  
DANVILLE, Va., Nov. 7.—The question of racial discrimination is to be raised during the present term of the corporation court, it was learned today. The question is whether negroes should be summoned for jury service in Danville. The issue is to be raised in the case of Bennie Elam, negro, charged with a simple assault upon a white woman. He was given six months in jail in the police court but he appealed.

Martin T. Martin, negro lawyer of Danville, has been retained by the Association for the Advancement of Colored People to represent Elam.

He has informed the commonwealth's attorney that he will move that a new venire facias be issued to include negroes so that people of Elam's race may have an opportunity of being on the jury which tries him.

## S. Carolina County To Get Race Jurors

GREENVILLE, S. C.—(ASP)—While the newly-registered Negro voters in Greenville county find themselves definitely barred from the state Democratic party there is one source of satisfaction for the hundreds of Greenville county's colored electors. A new law passed at the last session of the state legislature requires that names of two out of three of the qualified male electors in Greenville county be placed in the jury box instead of one out of three as formerly.

The unprecedented registration of Negro citizens in Greenville will force a number of colored citizens' names to be placed in the jury box. Even the more farsighted of the colored citizens, who could see no immediate benefit in mass registration of Negroes in the past month, now believe that Negro jurors will soon be serving in the county courts.

Negro jurors have for a number of years been drawn for federal jury service in South Carolina, but no Negroes have served in the county courts in years.

Richmond, Va., Times-Dispatch  
November 15, 1939

## Jury Service By Negroes Before Court

DANVILLE—The question of whether the names of taxpaying Negro citizens can be excluded legally from the petit jury boxes in Virginia was on its way to the State Court of Appeals last night. Judge H. C. Leigh, in the Corporation Court, overruled a motion that Negroes' names be included, which was made before him in the form of a written petition filed by counsel for Bennie Elam, a Negro on trial for simple assault on a white woman, Mrs. Catherine Farmer.

Three Negro lawyers presented the petition. Elam charged that the jury commissions had violated their oath of office and the Constitution of the United States by excluding duly qualified "Negroes of African descent" from jury service. It was charged they had been excluded "solely on account of race and color," and that the Negro had been "greatly prejudiced and denied due process of law."

Three court officials testified that in their recollection no Negro ever had been on the jury in Danville. Four Negro witnesses were examined also. One of them, J. R. Wilson, recalled he had done jury service here from 1881 to 1888.

Judge Leigh said he felt that the case was one which should be determined by the Supreme Court and overruled the motion.

Elam went to trial in his absence. He was in the courtroom an hour before the proceedings began, but was absent when the trial started.



JURIES - 1939

# Petit Jury Question Comes Up In Virginia Supreme Court To Pass On Case

DANVILLE, Va.—(ANP)—The question of whether tax-paying colored citizens can serve on petit juries of this state was brought to an issue here on Wednesday, when a petition, filed by counsel for Bennie Elam, colored, demanded that the names of Negroes be included in jury panels.

Judge H. C. Leigh in Corporation court, overruled the motion, said he felt the case was one which should be determined by the State Supreme court. Before reaching that tribunal, however, it will come up for hearing before the State Supreme court of Appeals. Defendant Elam was on trial for simple assault on a woman.

In the petition Elam's three lawyers charged that the jury commissions had violated their oath of office and the U. S. Constitution by excluding duly qualified "Negroes of African descent" from jury service. Counsel said the Negroes had been excluded "solely on account of race and color, and denied due process of law."

Three court officials testified that in their recollection no Negro had ever served on a Danville jury. Four colored witnesses were also examined, one, J. R. Wilson, telling the court he had done jury service here from 1881 to 1888.

Chattanooga, Tenn., Daily Times  
November 21, 1939

## JUDGE SUE K. HICKS REBUKES LAWYER

### Says Charge of Exclusion of Negroes From Jury Tends to Stir Up Hatred

A motion to quash an indictment against a Negro accused of larceny, based on the charge that Negroes are "systematically excluded" from service on the grand jury in this county, was overruled yesterday by Judge Sue K. Hicks, of Madisonville, who is presiding over the first division of criminal court here this week.

The motion was filed by Attorney Jerome Taylor, son of Federal Judge George C. Taylor, who was appointed by the criminal court clerk to defend Ed Abram. After Judge Hicks overruled the motion, Taylor moved to have the court order a mistrial on the ground that Negroes had been excluded from service on the trial jury. Judge Hicks also overruled this motion.

Judge Hicks deplored both motions, and told the young attorney he thought such motions tend to stir up race hatred.

"I hate to see such motions made in my court," said Judge Hicks. The

race issue has been raised on two or three previous occasions, but so far as was learned yesterday none of the cases has gone to the supreme court from this county on that issue.

Taylor also made similar motions in another Negro case in which he was appointed to represent the defendant. The second case involved James Brown, who was charged with the theft of a dress coat and two sets of false teeth from the home of C. G. Perry in the Jefferson apartments. Brown subsequently entered a plea of guilty and was sentenced to serve three years in the state penitentiary.

Abram was convicted after Judge Hicks overruled Taylor's motions and was sentenced to serve eleven months and twenty-nine days in the workhouse. Abram was a former employee of the LeGrand Jewelry store and he allegedly stole four watches valued at \$50 from the store.

Taylor was granted time in which to file a motion for new trial for Abram and this motion was set for a hearing on Friday.

### Gets 3 Years for Burglary

Willie Evans, who allegedly stole \$150 worth of clothes, shoes and other articles from the home of E. E. McAllister, 205 South Watkins street, last September, pleaded guilty in the first division of criminal court yesterday and was sentenced to serve three years in the penitentiary.

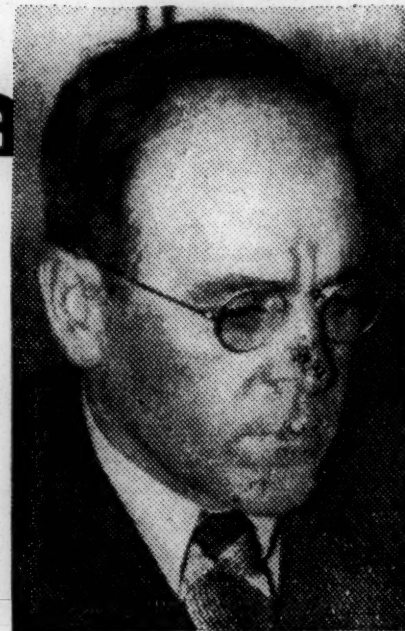
Evans pleaded guilty to a charge of burglary and he received the minimum sentence.

Sam Chubb, who was caught by Police Officer G. W. McClure in a chili stand on East Ninth street on Sept. 28, pleaded guilty to a charge of attempt to commit burglary and was sentenced to serve six months in the workhouse.

George Cook pleaded guilty to an indictment for larceny and was given thirty days in the workhouse. He admitted stealing a two-gallon can of motor oil from an automobile accessories company.

Chattanooga, Tenn. News  
November 20, 1939

## Deplores Raising Of Race Issue



JUDGE SUE K. HICKS

## Rejects Plea That No Negro Was on Jury

Judge Sue K. Hicks in Criminal Court here Monday overruled a motion to quash an indictment against a Negro because no colored men were on the grand jury and in passing on the motion, the Madisonville judge deplored the raising of this issue.

The question was brought up by Jerome G. Taylor, young attorney and son of United States District Judge George Taylor, in the larceny case against James Brown.

"I hate to see such motions as these made," Judge Hicks commented from the bench, "and I think such motions should not be made."

"They tend to stir up race hatred. I think colored people get fair treatment in our courts and I believe no attempt is made to exclude Negroes from juries. In my opinion, colored people as a rule do not want on the jury commission's list."

The motion to quash, filed by Taylor, charged that the grand

jury before which the defendant's case was taken was made up entirely of members of the white race "and this was brought about by systematic exclusion of colored jurors and was in violation of the constitutional rights of the defendant."

Brown was on trial before a jury Monday afternoon.

### OVERRULED AGAIN

In the case of Ed Abram, Negro, charged with larceny, Taylor moved for a mistrial on the same grounds set out in his motion to quash in the Brown case. Judge Hicks also overruled this motion and the jury convicted the defendant and gave him eleven months and twenty-nine days in the workhouse.

George Cook, Negro, who took two gallons of motor oil from the General Auto Accessories Company and bit G. R. Bannister, proprietor of the place, when Bannister caught him, pleaded guilty to larceny and was given thirty days in the workhouse.

Sam Chubb, who broke into Yeager's chili stand, pleaded guilty to larceny and was given six months in the workhouse.

Willie Evans, Negro, who burglarized the home of E. E. McAllister, 305 South Watkins Street, last September 25, pleaded guilty and was given a three-year sentence.

Cases against Emma Crossen, charged with larceny, and Myrtle Conyers, charged with violating the liquor laws, were set for trial Monday afternoon.

Knoxville, Tenn. Journal  
December 7, 1939

## Negroes Provide Puzzle For Court

### Federal Grand Jury Fails To Act, So They Are Jailed

What to do with Robert Wade and Willie Jackson, Knoxville Negroes, was a puzzle in Federal Court yesterday.

At the end of the day the boys sat before Judge George C. Taylor, having been bound to the Grand Jury on Saturday by U. S. Commissioner J. Pike Powers Jr. on untaxed whisky charges.

But the Grand Jury, which Frazier said he recalled a rule went out of session at noon, had whereby any one bound to the not been presented their case Grand Jury within 10 days because Dist. Atty. J. B. Frazier fore it met would be held for the had no papers from the commission following term or court. Clerk Lee Beeler said the rule Judge Taylor said that all per-was an old one and had not been sons who had been bound to this closely adhered to recently. December's term of court and no! Last night Wade and Jackson indicted should be released. were in Knox County Jail.



# Rules On Negroes Beating of Being Left Off Negro Juror Mo. Jury Lists To Be Probed

JEFFERSON CITY, Mo., (ANP)—An opinion handed down last week by the attorney general's office and written by Assistant Attorney General W. J. Burke, has decreed that the 400 colored residents of Morgan county must be represented in the same proportion as they bear to the county's total population. Morgan County Prosecutor G. Logan Marr, who asked for the ruling, set forth the following charge: "In the history of Morgan county no Negro ever did serve on the jury. They are not in the jury boxes as talesmen and they have no chance ever to be called as jurymen. They are left out deliberately, excluded systematically and denied the equal rights and the equal protection of the laws." Pressed for their reaction to the attorney general's ruling, several judges withheld comment, said they preferred waiting until the time comes for formation of another jury list. It was explained that the ruling was based on a decision of the Missouri Supreme Court which said in part: "If the defendant be deprived by design of the chance of having Negroes on the jury which is to try him, the federal constitution may be invoked."

## Discrimination In Jury Panel Selection

BOLEY, Okla., (By T. A. Douglas for ANP)—One of the most significant court decisions affecting the Negroes of Okfuskee and adjacent counties was handed down Friday in the county seat by District Judge C. C. Beavers, when he sustained motions to quash three indictments returned by the Okfuskee county grand jury on allegations of racial discrimination.

These motions were filed in connection with the grand jury indictments of William (Bill) Hazel, prominent leader and merchant. Charged with forgery in connection with the handling of relief funds, and W. C. Owens with neglect of duty as an election official.

## Arrest of Ashville, N. C. Man Followed His Appearance for Duty

The Federal Bureau of Investigation will make "an immediate investigation" into the arrest and brutal beating last June of Lawrence Sigmon, fifty-year-old Negro, at the hands of an Ashville, North Carolina sheriff, who resented Sigmon's appearance for jury duty after he had been called to serve the National Association for the Advancement of Colored People, announced yesterday.

Announcement of the action taken by the Department of Justice was made today by the N.A.A.C.P. following receipt of a reply to a telegram sent to Attorney General Frank Murphy urging the Justice Department to investigate the case as a violation of civil liberties.

## Rules Race Must Be On Jury Rolls

JEFFERSON CITY, Mo., Dec. 15—Morgan county was advised last week by Assistant Attorney General W. J. Burke that its 400 Race members must be represented in the jury list in the same proportion as they bear to the total population of the county.

Basing his opinion on a decision of the Missouri supreme court, Burke wrote that "it may happen that no Negroes will be on the regular panel for a given term of court. If that occurs in due course and good faith, because of the ratio of white to Negro population or because of actual disqualifications, pure chance or the like, it is within the law; but if the defendant be deprived by design of the chance of having Negroes on the jury which is to try him, the federal constitution may be invoked."

tion may be invoked."

The opinion was asked for by G. Logan Marr, prosecutor for Morgan county who charged:

"In the history of Morgan county no Negro ever did serve on the jury. They are not in the jury boxes as talesmen and they have no chance ever to be called as jurymen. They are left out, deliberately, excluded systematically and denied the equal rights and the equal protection of the laws."

## DISCRIMINATION IN JURY PANEL SETS THREE MEN FREE

## Significant Decision Reached In Trial Held In Boley, Oklahoma

BOLEY, Okla., Dec. 14 (By T. A. Douglas for ANP)—One of the most significant court decisions affecting the Negroes of Okfuskee and adjacent counties was handed down Friday in the county seat by District Judge C. C. Beavers, when he sustained motions to quash three indictments returned by the Okfuskee county grand jury on allegations of racial discrimination.

These motions were filed in connection with the grand jury indictments of William (Bill) Hazel, prominent leader and merchant, charged with forgery in connection with the handling of relief funds, and W. C. Owens charged with neglect of duty as an election official.

Judge Beavers sustained the motions after the defense counsel (including Attys. M. H. Martin and J. W. Cassey of Boley) had presented testimony of many former members of the Okfuskee county jury commission in which they were asked about the selection of Negroes for the jury panel. Some admitted they left them off purposely, while others explained they happened to be omitted as the commissioners were making good jurors. A few stated that it was not a custom in the south to do business this way.

One juror frankly stated that he was born in Tennessee and raised in Arkansas and that he knew no other than to act accordingly. The judge of this jurisdiction was disqualified by the defense counsel and Judge Beavers, Okmulgee county.

y, was called to preside. After a citation of the Alabama case and the Oklahoma case, Beavers in his brief decision said that it was evident that there was systematic discrimination against Negroes serving on the jury panels and sustain the motions on these grounds.

## Far-Reaching Decision On Jury Wheels

## Negroes Must Be in County Panels in Proportion To Population

JEFFERSON CITY, Mo. —A request from a Morgan county prosecutor for a ruling on the frequency with which the names of Negroes should be placed in county panel jury boxes brought forth a far-reaching decision from the attorney general's office here Wednesday.

Acting on an appeal from G. Logan Marr, Morgan county prosecutor, the attorney general ruled that:

"Negroes should be placed in county panel boxes in the same proportion that the Negro population bears to the white population. If 10 per cent of the population is Negro, then 10 per cent of the names of the jury panel should be Negroes."

In asking for the ruling, Marr said that in Morgan county none of the county's 400 Negro citizens ever had served on a jury. "They are not in the jury boxes," he said, "and they have no chance ever to be called as jurymen. They are left out deliberately, excluded systematically and denied the equal rights and the equal protection of the laws."

In his ruling, the attorney general said that "If no Negroes' names are placed on the county jury wheel . . . by reason of a conspiracy or common scheme to prevent the placing of the names of Negroes in the county jury wheel, any panel drawn therefrom in a criminal case would be subject to a motion to quash which should be sustained."

The attorney general said that the ruling did not mean that a Negro must be upon the panel in any particular case, but that "some Negroes should be placed in the panel county jury box in the same proportion as the Negro population bears to the white population, so that there is a chance that a Negro may be drawn on a jury panel."



JURIES - 1939

# Louisiana Forced To Quash Indictment Against Negro; Juror Is Found Illiterate

Case When Heard in U. S. Court Caused Justice Black To Attack Grand Jury Defendant Claim Self Defense During Trial

By ROBERT McKINNEY

EDGARD, La.—(ANP)—Prejudice and lynch-thirsty whites were shocked Monday evening when lawyers for Hugh Pierre forced Judge L. Robert Rivarde to quash indictments against him by proving that a white member of the grand jury could neither read nor write, which makes

it almost certain that an entirely new jury panel must be drawn before any action can be taken against Pierre.

Pierre, a crippled and sickly man, was indicted for the murder of Constable Ifnace Rouselle of Lucy in St. John the Baptist parish in 1936. He claimed to have fired in self-defense.

This case attracted nation-wide attention a few months ago when the United States supreme court reversed the decision of the Louisiana supreme court, upholding Pierre's conviction that Negroes had been denied their rightful representation on the grand jury that first indicted him. Justice Hugo

Black delivered the decision, stating, "it is as illegal to bar negroes from the grand juries as it is to bar them from ordinary juries."

Maurice Woulfe, attorney for Pierre, almost caused a furor in Louisiana court proceedings after the trial when he said that there were only 30 Negroes in the panel from which the present jury was drawn whereas by their number in the parish "negroes should have had 49 per cent of the members. At the next trial Mr. Woulfe's motion for a change in venue will be debated.

Pierre is being held in jail in New Orleans where he was brought to prevent a lynching. The local branch has a drive on for funds to assist him.

## First Women Jurors



MESDAMES HALLIE B. BRAZIER, LULU E. BLAND AND MAE BELLE BOND

East St. Louisans who were among the first women named for jury service under the new Illinois Law. The following is their remarks to an Argus reporter.

MRS. LULU E. BLAND of 1639 Central avenue, E. St. Louis Ill., one of the pioneer members of Friendship Baptist Church, at present Marshal of Senior Choir No. 1, also Past worthy Matron of Queen Elizabeth Chapter No. 16 OES stated that she is proud to be one of the first women to be selected to serve on the Grand Jury of the St. Clair County and will render fair judgment regardless to race, color or creed.

# FIVE NEGROES TO U. S. JURY IN ARKANSAS

Presidents of Philander Smith and Shorter Colleges Named

LITTLE ROCK — Five Negroes have been included on regular grand jury and petit jury panels in the first division circuit court in Arkansas for the first time since Reconstruction days, officials said here this week.

Named on the grand jury panel are M. Lafayette Harris, president of Philander Smith college, and G. Archie Gregg, president of Shorter college.

On the petit jury are Dr. G. W. Hayman, W. H. Smith, a retired mail carrier, and V. S. Parr, a teacher at the Arkansas Baptist college.

The five Negroes were chosen on panels selected by Jury Commissioners Lynn Wassell, W. R. Roberts and the Rev. Calvin B. Waller. They were named by order of Judge Fulk, following a reversal by the supreme court of convictions of Mose and Rome Bone. The supreme court reversed the decision because of the systematic exclusion of Negroes from jury panels.

Lake Providence, La., Banner-Dem't

September 29, 1939

## NEGROES SELECTED ON GRAND JURY

Two negro men, William Hubbard and William King, were drawn last week by the jury commissioners to serve as members of the grand jury at the criminal term of the Sixth Judicial District court to convene on Monday, October 2, which will be the first time negroes will serve as jurymen since carpetbag days many years ago. In all the southern states the laws were such that negroes were restricted from jury duty, until a decision of the U. S. court rendered a few years ago that there must not be any discrimination among the races and reversed decisions of southern courts where negroes were excluded from juries where negroes were being tried.



## JUROR REFUSED TO EAT WITH NEGRO: MISTRIAL RESULTS.

White Plains, N.Y. Oct. 12- Refusal of Edward Ackery to eat at the table with a colored member of the county court jury on which both were eating resulted in a mistrial for two men on trial for attempted burglary, here Tuesday.

When the news of the white man's action came to the attention of Samuel Sigel, counsel for the defendants he immediately moved for a mistrial on the grounds that Ackery's presence on the panel might prove prejudicial to his client. The motion was granted by County Judge Coyne.

The jury was dismissed and a new panel was called in. Henry Scott of New Rochelle, colored member in the former jury was recalled, while the name of Mr. Ackery was not drawn.

The Tuesday morning jury was drawn to hear the case of James Dickerson and Thomas McCullough who were accused of attempting to burglarize a Yonkers store on the morning of May 24. During the noon ~~recess~~ recess the jury had been taken across the street to the Court Grill for lunch. As they were about to sit down Mr. Ackery objected to sitting at the same table with Mr. Scott, and he was allowed to sit at a separate table, next to the rest of the jurors.

Courier  
10-14-39  
Pittsburgh, Pa.

## Jury Foreman



*Call 11-1039*  
BEN GIBSON, the first Negro to serve as foreman of a jury in the history of the Jackson county circuit court at Kansas City.

## NEGRO NAMED FOREMAN OF TRIAL JURY

*Call 11-1039*  
*Ben Gibson Selected by 11 Whites in Judge Harris' Court*

KANSAS CITY, Mo. — The 11 white members of a circuit court jury selected Ben Gibson, the only Negro member of the jury, as foreman this week, making history in the courts of Kansas City. Although Negroes serve frequent-

ly on juries in Jackson county, this was believed to be the first time that a Negro has been chosen as jury foreman.

The case, heard in the courtroom of Judge Brown Harris, was that of Edwin Carter, 1617 1-2 Norton avenue, who appealed a sentence given him in the Municipal court for careless driving. The Municipal court judge had sentenced Carter to 30 days at the Municipal farm.

On appeal, the jury of which Mr. Gibson was foreman cut his sentence to five days at the farm.

Mr. Gibson, the jury foreman, lives at 1001 E. Eighteenth street. It was his first experience as a juror.

### Judge Writes Jurors

When the Carter case had been disposed of, Judge Harris wrote each member of the jury commending them for their handling of the Carter case.

Judge Harris wrote:

I wish to compliment you upon your conduct in the handling of the case of Kansas City, Mo., vs Edwin Carter in my court yesterday.

So far as I know, this is the first time a Negro has been selected as foreman of a jury in Jackson county. In making your selection as foreman, as well as your humane treatment of the defendant, you made manifest your beliefs in and into practice the Constitution of the United States and also the Golden Rule.

I am sure that Mr. Gibson, your foreman, will highly appreciate the spirit in which he was elected foreman of this jury and that it will be an inspiration to him and a source of pride in the future that 11 fine men have paid him this mark of respect.

Other members of the jury were Charles Bray, Mike Caldarella, Frank E. Gillispie, Roy J. Henry, Abner Brooks, William H. Griffith, C. H. Luedeman, Louie Meier, Clare McMullen, Chester E. Spring and Le Roy Thomas.



## Two Negroes on Leflore

**County Jury**  
POTEAU, Okla.—Two Negroes, Alexander and Joe Mabrie were among the jury men who served at the last term of district court held preceding the holidays.

## Negro Juror Defies Judge; Guards Called

DALLAS, Jan. 5 — (ANP) — The question of Negroes serving on Texas juries was given a test here last week in the 10th District Court of Judge C. M. Callum and after a heated conference five Texas Rangers were called in as a guard against possible violence.

Monday, before the guard had been stationed, three colored veniremen—C. A. Calloway, Ed Bryant and P. T. Simmons—presented themselves for service. At the close of preliminary examination of white veniremen by an attorney, Judge McCallum left the bench and ordered the Negroes to leave the courtroom, declaring: "We don't need you on the jury, that's all there is to it."

Venireman Simmons twice refused to be excused on Monday and returned the next day for service, being assigned to Judge Thornton's court. After examination of other veniremen, Simmons and five whites were ordered to return to the central jury room where they were diplomatically excused from service. Because of the protection afforded by the Rangers, it is expected that other colored veniremen scheduled to be called in future will report for service.

## Prison Officials On Trial In Murder; 4 Negro Jurors

PHILADELPHIA, Pa.—Four Negroes, two men and two women, are among the jury which is trying Frank A. Craven, 39-year-old former deputy warden of the Philadelphia County Prison on murder charges in the "baking deaths" of four convicts last summer.

Craven is the first of five former prison officials to be tried on murder indictments as the result of the deaths of the prisoners last August 22 in the state penitentiary at Pottsville, Pa. Charges the prisoners were baked to death by steam as punishment. Carthage, N. C. News January 5, 1939

## COLORED CITIZEN DRAWN AS JUROR FOR COURT TERM

Thomas B. Tyson, 'Carthage Merchant, Second of His Race Selected For Service Here

## ASKED TO TAKE ON ROAR

Thomas B. Tyson, Carthage colored merchant, was drawn for jury service for the January term of superior court for the trial of criminal cases at the January meeting of the board of county commissioners. He becomes the second member of his race drawn for court service since the United States supreme court granted a new trial to a colored man on the grounds of race discrimination in jury selection. June Harrington, who resides near Cameron, was the first colored man to perform jury service since fusion days. Tyson is a well-informed and respected colored man.

The complete jury list for both the January and February terms of court follows:

The following jurors were drawn for the January term of court: Carthage township—W. D. Hanlon, R. L. Yow, Tom B. Tyson, col., Fred Flinchum.

Bensalem township—Grover Saunders, E. A. Morrison, G. D. Williams, Rufus Freeman, L. D. Maness, John A. Monroe, J. R. Williamson.

Sheffield township—Albert A. Dunlap, J. R. Kennedy, Lucien Ritter, Q. A. Williams, M. O. Lucas, E. C. Ray, Y. C. Maness, J. B. Hammond.

Ritter's township—C. S. Williams, W. L. Sullivan, Albert Caviness, J. D. Scott.

Deep River township—J. W. Gaines.

Greenwood township—Paul Thomas, W. V. Fisher, A. Raymond Thomas, H. L. Phillips, Hugh Allen, A. C. Cole, J. C. Boone, G. L. Bullock.

McNeill's township—J. D. Hasty, W. H. Richardson, Geo. C. Abraham, H. L. Hendricks, T. G. Ragsdale, E. V. Perkinson, J. B. Parker.

Sandhills township—F. S. Weaver,

E. B. Thompson, E. L. Pleasants, Sr. Mineral Springs township: Sam Dilling, James H. Hartsell, John M. Black, L. M. Hartsell, Z. R. Robinson, C. S. Speight.

Jurors for February term are: Carthage township—W. J. Harris, C. H. Smith.

Bensalem township—Chas. B. Williams, Ira L. Maness.

Sheffield township—Ben Brady, Clyde Barber, B. W. West, G. B. Hussey.

Ritters township—L. M. Purvis.

Greenwood township—A. L. Keith,

McNeill's township—C. J. Simons, Garland H. Pierce, Alfred Grover, Ferman Scott.

Sandhills township—T. W. Campbell, W. G. Bowers.

Mineral Springs township—A. H. Garrison, W. R. Gilliland, E. J. Richardson, E. J. Hartsell, Wm. Bosworth, Sidney H. Lee, H. Leslie Gordon.

Other transactions of the commissioners were:

The state highway commission was urged to take over and maintain the road from highway 27, near E. B. Burns' mail box, leading south a distance of five miles to a point on the Hemp-Eagle Springs highway, near Zion Grove church. Approximately 25 families live on this road, which is described as being in bad shape.

A beer license was granted to the Chalfonte club.

Wilbur H. Currie, the chairman, was authorized to sign a deed to the George Thomas for lot of land listed in the name of the late Mrs. Etta Cole for the benefit of the following heirs: Mrs. Conly Morris, Concord P. McDonald, Concord; Mrs. Jasper Holt, Troy; Mrs. Kittie Hilliard, Mrs. Mattie Baker, Gilbert Fry, Jim Fry, R. G. Fry, Sr., Mrs. Alex Thomas, Mrs. B. F. Whitlock and Mrs. John Sheffield, Carthage.

Protest Designation

Of Race On New York

County Juror's Form

The new form of questionnaire for prospective jurors in New York County courts, which for the first time requires a prospective juror to state his color, was described by Walter White, as a "most dangerous procedure and one which may lead to racial discrimination."

White, who is executive secretary of the National Association for the Advancement of Colored People, made the new questionnaire form the subject of a vigorous protest in a letter to Archibald

R. Watson, New York County court clerk, here Saturday.

The letter said in part: "We wish to register an emphatic protest against what we believe to be a most dangerous procedure and one which may conceivably lead to racial discrimination. Designation of race or color has no place in the jury system of New York State. We urge that the questionnaires be withdrawn from circulation and new ones prepared leaving out this designation."

The new questionnaire was placed in use in the office of the Commissioner of Jurors in the Hall of Records here Wednesday, January 4.

Supreme Court Rules It Is Illegal To Bar Negroes From Juries

WASHINGTON, D. C.—The Supreme Court ruled Monday that it is illegal to bar Negroes from juries. This decision set aside a death sentence pronounced upon a Louisiana Negro. The decision held that the man's conviction of murder charges was unconstitutional because Negroes were barred from the Grand Jury that indicted him.

This unanimous court decision, written by Justice Black, reversed a Louisiana Supreme Court decision that upheld legality of the trial of Hugh Pierre of Lucy, La., who was given a death sentence.

The convicted man claimed his trial was illegal in that Negroes were kept off the jury lists in St. Louis and that due to the high feeling against him the case should have been shifted to another court.

John the Baptist parish, and he contended that due to the high feeling against him the case should have been shifted to another court.

The Alabama justice ruled that it is just as illegal to bar Negroes from Grand Juries as to bar them from trial juries.

Negroes on Jury List; Second Conviction Upheld

JEFFERSON CITY, Mo.—(ANP)—After being granted a new trial by the state supreme court in 1937 because no Negroes were on the jury, a life sentence against Anderson Logan was upheld by the supreme court Wednesday because the names of six Negroes were on the venire of 41 talesmen, although none were selected for trial jury.

Logan, of Columbia, Mo., was convicted of murdering his wife, Angela, on a street there after she filed suit for divorce. He was sentenced to die in the first trial, but in the second was given a life term. In his first appeal he said no Negroes were called for jury service in Callaway county, where his trial was held.

Greenwood S. C. Times Journal March 1, 1939

## ANOTHER WARNING

The United States Supreme Court Monday set aside a murder conviction of a Louisiana Negro because there were no Negroes on the jury which convicted him.

Three times within a year it has been reported that Negroes were drawn to serve on juries in South Carolina. One was in Columbia in a State court and two in Charleston also drawn for service in a State court.

Drawing jurors is not always just what it should be in South Carolina. In some counties it has been charged that it was far from being conducted according to law.

It would be in order for county officials to take notice of all legal requirements in placing names in the jury box.

Jasper, Ga. Pickens Co. Progress March 2, 1939

It seems that the Southern States are going to have to put the names of a few negroes in the jury box whether we like it or not. This week the United States Supreme Court reversed a death sentence passed upon a negro charged with murder in one of our neighboring Southern States. The grounds for the reversal was that the name of no negro was contained in the grand jury box in the county in which he was indicted. This is the second time that the Supreme Court has held that a trial where no negro's name was in the jury box is illegal. It certainly goes against the grain as not one negro in a thousand is a competent juror, but we cannot afford to have negroes convicted of major crimes carrying their cases to the Supreme Court and securing a new trial. One consolation is that they can be struck from the trial jury by the attorneys when a case comes up for trial.

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# NEGROES ON JURY LIST

And Although None Were on Jury, Logan's Second Conviction Is Upheld.

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New Orleans, La. Times-Picayune April 4, 1939

NEGRO WILL SERVE WITH GRAND JURORS (The Associated Press)

Baton Rouge, La., April 3.—The East Baton Rouge parish grand jury selected today is the first in 40 years with a negro member. A negro mailman, Carl T. Weather, was chosen for service along with 11 white men.

First indictment returned by the new grand jury was one charging a negro, Ira Henderson, 33, with murder.

In district court today arguments were heard on the plea for a new trial of Willie White, a negro convicted of murder, on the ground his indictment was illegal since negroes had been barred from grand jury service.

## U. S. JURY REVISION

During the incumbency of the present judge of the United States Court, no one can recall the presence of a colored petit or grand juror. This is unusual for this court. During the time of Judge Emory Speer there was always one or more colored men serving both on the petit and grand jury. Judge Speer was dignified, able and eloquent. His court was a model with a promise of equal justice. Under him colored men served and with great satisfaction. Just why they are not called for service under Judge Barrett, cannot be said. It is necessary for attention to be called to it, and request made for a change. Possibly, the main reason why colored men are not called is because their names are not in the jury box. This can be remedied very easily. The judge has recently ordered a revision of this box. In this revision the names of colored men residing in the district should be included. There is any number of them qualified for such service, even more so than years ago. After this revision, it will be noted if any change is made.

## COLORED MAN TO SERVE ON GRAND JURY IN TEXAS

Fort Worth, Texas, March 30—By R. L. Morton for ANP)—Watson Barton no doubt is an ardent believer in "good things come to him who waits" and is prepared to receive them. Barton was named Thursday to serve, and being qualified, will be the first of his race to sit on the grand jury in Tarrant county.

Barton, 41, is a poll tax exemption holder, and unlike Henry C. Johnson who was selected a year or more ago and was unable to serve because of the lack of a poll tax receipt, Barton will serve. His appointment as 12th on the panel was made at the request of Criminal District Judge McGregor. Recent supreme court holdings have been to the effect that continued failure to put Negroes on the grand jury is essential evidence of the discrimination against the race—a fact which has definitely influenced the reversal of several criminal convictions.

Barton, the father of four children, was born in Marlin, Texas, Falls County and has for 36 years been a resident of Fort Worth and is the eldest of a family of seven children.

On April 7 or 8 history will be made and the hopes of farsighted Negroes will reach materialization when Barton will be sworn in for grand jury service since his record is of such that his seat is unquestioned.

## Former Scottsboro Lawyer Assails

Chamlee Represents Two Defendants In Tennessee Cases—Seeks to Have Indictments Voided.

CHATTANOOGA, July 6. (ANP)—Atty. G. W. Chamlee, noted criminal lawyer and one-time defense counsel for the nine Scottsboro boys, this week was warmly commended for his action in filing pleas of abatement in two cases pending before criminal court, Chamlee alleging the indictments are void because Negroes are systematically excluded from grand jury service in this county.

The two indictments are against Geneva Lewis, charged with murder, and Charles E. Preston, charged with rape. Both cases were scheduled to come up for trial in criminal court this week before Judge Charles W. Lusk, who took the Chamlee abatement pleas under advisement.

NEGROES HAVE NOT BEEN SYSTEMATICALLY EXCLUDED

Later Assistant Attorney-General Frank Darwin filed a motion to strike the pleas in abatement and a demurrer to the two pleas. Both lawyers then agreed to submit briefs to the state authorities on the question at bar.

During discussion of the ban on colored jurors, Judge Lusk said: "This court can certainly say that Negroes have not been systematically excluded from jury duty."

Attorney Chamlee, placing the blame for such action, replied "We are not accusing the court of excluding Negroes from jury duty. The names of Negroes are just not put in the jury box."

HAD BEEN DRAWN, BUT ASKED TO BE EXCUSED

Both Judge Lusk and Atty.-Gen. Darwin said that on several occasions names of Negroes had been drawn from the jury box, and that several Negroes had asked to be excused from jury duty.

Indicating a willingness to iron out the matter, the court stated: "You all know the practical difficulties in having mixed juries, but we must resolve these difficulties in some way. About one-fifth of our population is colored, according to the last census. There are more than 300,000 colored people in this county, and many of them are high-class citizens and capable of sitting on juries."

"I have looked into this question of having all-colored juries. Certainly there could be no objection to having all-colored juries to try colored prisoners. The only thing that stands in the way of this is the law that requires the jurors to be selected from each district of the county in proportion to the population. There are some sections of the county where there are no colored persons at all."

Chattanooga citizens are following the case with interest, as Judge Lusk's decision on the pleas in abatement strike at the very core of the matter and will set a precedent in cases where indictments are voted against Negro prisoners by all-white grand juries.